

**REMARKS**

Favorable reconsideration of this application as presented herein is requested.

Claims 1-18 are pending in this application for reconsideration following amendment.

Claims 7 and 16 have been canceled and claims 1 and 10 have been amended. No new matter has been added.

**Claim Rejections under 35 U.S.C. § 102**

The Examiner rejected claims 1-18 under 35 U.S.C. § 102(e) as being anticipated by Simon et al, Pub. No. US 2003/0087652 A1.

The present invention provides a method and software for reducing the frequency with which presence status information needs to be sent to mobile clients requesting presence information over a low-bandwidth or high-cost connection.

To overcome the rejection, claims 1 and 10 have been amended to emphasize that a status code is transmitted and interpreted to determine the presence status of the device. Simon merely proposes entering a special code used for updating profiles. As stated in paragraph 108 of Simon, depending upon the frequency of user profile updates, the content server 100 can automatically adjust the content and type of information and notifications sent to the user based upon such behavior as being in a certain location, having attained a certain level defined by the group, having installed a certain application or paid for a certain service, having entered a special code, being in a certain application state on their device, or other behaviors. Simon does not interpret the status code to determine the presence status of the device.

Consequently, the Simon publication does not anticipate the structure defined in claims 1 and 10 of the present application under 35 U.S.C. § 102(e) for at least the foregoing reasons. Claims 2-6, 8-9, 11-15 and 17-18 depend from claims 1 and 10 and therefore

include all the limitations of those independent claims. Since the Simon publication does not render claims 1-18, as amended, unpatentable Applicant respectfully submits that the rejections thereof be withdrawn by the Examiner.

Applicant respectfully submits that this application is in condition for allowance and requests that a timely Notice of Allowance be issued in this case.

Date: April 11, 2006

Respectfully submitted,



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I hereby certify that this paper and any accompanying papers referenced herein are being deposited this date with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Diane Torniali April 11, 2006  
Diane Torniali Date